

Amendment  
Serial No. 10/733,224

5000-1-486

### REMARKS

Reconsideration of all grounds of rejection and allowance of the pending claims are respectfully requested in light of the amendments and the following remarks.

Claims 1-22 remain pending herein. Claims 1-22 stand rejected. Claims 1 and 14 are independent claims.

Claims 1-22 stand rejected under 35 USC § 103(a) as allegedly being obvious over admitted Prior Art ("APA") (specification FIGs. 1 and 2 and page 1, line 13 to page 5, line 11) in view of Rapp (U.S. Pat. Appln. Pub. No. 2003/0147126). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Claim 1 and 14, as amended, now recite in part that the semiconductor optical amplifier (SOA) includes a cleaved region for diverting the ASE light from the traveling path of the input optical signal; and wherein the first monitor photo-diode is configured to receive and detect a power level of the ASE light passing through the first isolator and the first monitor photo-diode is disposed at a predetermined angle relative to the first isolator which is not along an optical axis between the input optical fiber and the SOA; the specification provides support at least at page 8, lines 17-20, and FIGs. 3 and 4.

In contrast, the combination of the APA and Rapp fails to disclose or suggest at least the above recitation in claims 1 and 14. For example, with regard to the combination of references, the APA shows a photodiode disposed along the optical axis of the first isolator as shown in FIG. 1, reference character 162. Moreover, Rapp similarly discloses a photodiode which is parallel to an isolator as seen in FIG. 3 and 4, detector 12 is positioned along an optical axis of the input fiber 6.

Accordingly, the combination of APA and Rapp fails as a combination to render either of

Amendmment  
Serial No. 10/733,224

5000-1-486

claims 1 and 14 as being obvious to a person of ordinary skill in the art at the time of invention. Applicant respectfully submits that a person of ordinary skill in the art would not have found it obvious in view of the combination of APA and Rapp to provide an apparatus as claimed, including a cleaved region of the SOA for diverting the ASE light from the traveling path of the input optical signal; and separating and transmitting ASE light received from the first stage of the SOA from a traveling path of the input optical signal through the first isolator and to the first monitor photo-diode, wherein the first monitor photo-diode is disposed at a predetermined angle relative to the first isolator which is not along an optical axis between the input optical fiber and the SOA. Nor would the combination of elements, as recited by the present claims, have been obvious as being within the level of ordinary skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Therefore, for at least the above reasons, Applicant respectfully submits that neither of claims 1 or 14 would have been obvious to a person of ordinary skill in the art at the time of invention. Applicant respectfully requests reconsideration and withdrawal of this ground of rejection.

The other claims in this application are each dependent on the independent claims 1 and 14 and believed patentable at least for their dependency from one of claims 1 or 14, which are believed patentable for at least the reasons discussed above. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Amendment  
Serial No. 10/733,224

5000-1-486

While no fees are believed due at this time, please credit any overage or charge any deficiency to deposit account 502-470.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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